

# BEST AVAILABLE COPY

Applicant would like to thank the Examiner for the Interviews held on August 22, 2001 and September 18, 2001. In this response, claims 56-60 have been added. Applicant respectfully submits that these amendments and the following Remarks remove all grounds for rejection of the application, thereby placing it in condition for allowance.

## Rejections under 35 U.S.C. § 112, ¶ 2:

Claims 29-38 and 40-49 stand rejected under 35 U.S.C. § 112, ¶ 2. Specifically, the Examiner states that it is uncertain how design loft and lean angle are related and how design loft is determined. These rejections are respectfully traversed; reconsideration and withdrawal is requested.

Applicant submits that the relationship between design loft and lean angle is clearly stated in the definition of lean angle provided in the '515 application, namely: "When the club is oriented at its design loft, the lean angle of the club is the angle between (i) a projection of the centerline of the shaft onto a vertical plane, the plane being along an intended line of play and (ii) a vertical line in such vertical plane" (see page 5, lines 13-15, see also page 11, lines 8-10 and Fig. 6). In this context, the Examiner indicated during the August 22, 2001 Interview (see Interview Summary) that it would be useful if the Applicant could capture the definition of lean angle in the claims. Accordingly, in an attempt to expedite prosecution of the present application towards allowance new independent claims 56, 58, 59, and 60 that explicitly capture this definition have been added with the present Amendment.

Applicant further submits that one of ordinary skill in the art of golf club manufacture would be able to determine the design loft of any golf club head and hence based on the definition of lean angle provided in the '515 application, would be capable of determining the lean angle of any golf club. In this context, the Examiner indicated during the August 22, 2001 Interview (see Interview Summary) that it would be useful if the Applicant could provide information from a manufacturer on the industry standard meaning of design loft. Accordingly, attached hereto is a Declaration under 37 C.F.R. § 1.132 by Mr. John Hampford ("Declaration"), chairman of Hoffman Forged Products a company which specializes in the design and manufacture of custom forged golf club heads. As explained in ¶ 4 of the Declaration (and page

2, lines 13-14, page 9, lines 1-4 and Fig. 2 of the '515 application), the design loft of a golf club head "represents the angle that is intended to be made between the face of the golf club head and a line perpendicular to the ground at the time of impact". In ¶ 6 of the Declaration, it is further explained that "a golf club manufacturer could readily determine the intended design loft and bounce of a given golf club head, and therefore could assess the lean angle of any golf club in accordance with the definition of lean angle given in the '515 application".

In light of this evidence, Applicant respectfully submits that claims 29-38 and 40-49 (and new claims 56-60) are not indefinite under 35 U.S.C. § 112, ¶ 2.

Rejections under 35 U.S.C. § 102(b) and § 103(a):

Claims 44-46 and 51-53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Muldoon. Claims 29-32, 37-38, 41-43, 47-50, 54, and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muldoon in view of Ashcraft. These rejections are respectfully traversed; reconsideration and withdrawal is requested.

As discussed during the Interviews and explained in the Declaration which accompanies this response, golf clubs made according to the '515 application are structurally different from all currently available clubs, including those made according to the bending methods of Muldoon. In particular, the '515 application provides methods that allow for the manufacture of golf clubs with a non-zero lean angle without interfering with the pre-selected golf club head characteristics (e.g., the location of the center of mass or "sweet spot" and the tensile strength of the hosel). As further explained in the Declaration, the '515 application also provides methods of making golf clubs with non-zero lean angles that are greater than 3 degrees; woods with non-zero lean angles; and golf clubs with non-zero lean angles where the hosel connecting the shaft and golf club head is substantially parallel to the shaft (i.e., there is no "kink").

There is no suggestion in Muldoon (nor in Ashcraft) of a method that would lead to a golf club having any of these properties. Accordingly Muldoon or Muldoon in combination with Ashcraft cannot anticipate the claims of the '515 application.

### Conclusion

Based on the arguments presented above, it is submitted that the pending claims, as amended herein, are allowable over the art of record. As required, attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made". For the Examiner's convenience, also attached hereto is an Appendix showing all pending claims as amended remaining in this application. Applicant requests that, upon receipt of the present Response to Office Action, the Examiner please contact the undersigned at (617) 248-5175 so that a telephone Interview may be arranged. Applicant would also like to thank the Examiner for his thoughtful comments and careful consideration of the case.

Please charge any fees that may be required, or credit any overpayment, to our Deposit Account No. 03-1721.

Respectfully submitted,



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**Version with markings to show changes made**

In the claims:

Claims 56-60 have been added.